

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

643Q0557

### SENATE BILL NO. 195

Introduced by: Senators Nesselhuf, Adelstein, Nelson, and Turbak Berry and Representatives Engels, Blake, Cutler, Dreyer, Hoffman, Hunhoff (Bernie), McLaughlin, and Street

1 FOR AN ACT ENTITLED, An Act to repeal the ban on certain medical research.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 34-14-16 be repealed.

4 ~~—34-14-16. No person may knowingly conduct nontherapeutic research that destroys a human~~  
5 ~~embryo. A violation of this section is a Class 1 misdemeanor.~~

6 Section 2. That § 34-14-17 be repealed.

7 ~~—34-14-17. No person may knowingly conduct nontherapeutic research that subjects a human~~  
8 ~~embryo to substantial risk of injury or death. No person may sell or transfer a human embryo~~  
9 ~~with the knowledge that the embryo will be subjected to nontherapeutic research. A violation~~  
10 ~~of this section is a Class 1 misdemeanor.~~

11 Section 3. That § 34-14-18 be repealed.

12 ~~—34-14-18. No person may use for research purposes cells or tissues that the person knows~~  
13 ~~were obtained by performing the activities described in §§ 34-14-16 and 34-14-17. A violation~~  
14 ~~of this section is a Class 1 misdemeanor.~~



1       Section 4. That § 34-14-19 be repealed.

2       ~~34-14-19. For purposes of §§ 34-14-16 to 34-14-20, inclusive, the term, nontherapeutic~~  
3       ~~research, means research that is not intended to help preserve the life and health of the particular~~  
4       ~~embryo subjected to risk. It does not include in vitro fertilization and accompanying embryo~~  
5       ~~transfer to a woman's body or any diagnostic test which may assist in the future care of a child~~  
6       ~~subjected to such tests.~~

7       Section 5. That § 34-14-20 be repealed.

8       ~~34-14-20. For purposes of §§ 34-14-16 to 34-14-20, inclusive, the term, human embryo,~~  
9       ~~means a living organism of the species Homo sapiens at the earliest stages of development~~  
10      ~~(including the single-celled stage) that is not located in a woman's body.~~